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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 SHANE LAFFERTY, a single person,)
10 Plaintiff,) CASE NO. C17-0749RSM
11 v.)
12) ORDER GRANTING UNITED STATES'
13 CHRISTOPHER LIU, et al.,) MOTION TO DISMISS FOR LACK OF
14 Defendants.) SUBJECT MATTER JURISDICTION
15 _____)

16 This matter comes before the Court on Defendant United States of America's Motion to
17 Dismiss for Lack of Subject Matter Jurisdiction. Dkt. #35. Plaintiff Shane Lafferty failed to file
18 any response brief. Except for motions for summary judgment, if a party fails to file papers in
19 opposition to a motion, such failure may be considered by the court as an admission that the
20 motion has merit. LCR 7(b)(2).
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22 On March 28, 2018, the United States filed a Notice of Substitution to substitute the
23 United States of America for David Heenan for the purposes of all common law tort claims
24 against him. Dkt. #28. It has been determined by Defendant United States that Mr. Heenan was
25 acting within the course and scope of his employment as a Swinomish Indian Tribal Community
26 Police Officer and pursuant to a grant under the Indian Self-Determination and Education
27 Assistance Act ("ISDEAA") at the time of the claims in this litigation. See Dkt. No. 28-1. The
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1 Court sees nothing in the record to disagree with that conclusion. Plaintiff did not file an
2 administrative claim with the United States Department of the Interior or Bureau of Indian Affairs
3 prior to filing a lawsuit in state court. *See* Dkt. #36. The Court finds that Defendant's requested
4 relief is proper given the record and the requirements of the Federal Tort Claims Act ("FTCA").
5 *See* 28 U.S.C. § 2675(a); *McNeil v. United States*, 508 U.S. 106, 113 (1993); *Brady v. United*
6 *States*, 211 F.3d 499, 502 (9th Cir. 2000).

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8 Accordingly, having considered the relevant briefing, supporting declarations, and the
9 remainder of the record, the Court hereby finds and ORDERS:

10 Defendant United States of America's Motion to Dismiss for Lack of Subject Matter
11 Jurisdiction (Dkt. #35) is GRANTED. Plaintiff's Complaint is dismissed as to the
12 United States, relating to any and all common law tort claims asserted against David
13 Heenan.
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16 DATED this 18 day of June, 2018.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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